REMARKS

The examiner has rejected claims 1-2 and 4-8 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,895,597 to Edam, hereinafter Edam. This rejection is not thought to be well taken. The examiner states that Edam teaches "determining eligibility of a system to enter a low power mode based on operator generated signals, time of day, or non-use of the system for a period of time, or a combination thereof" and cites col. 8 lines 44-67 and col. 9 lines 1-6of Edam. It is respectfully submitted that Edam teaches neither these eligibility criteria nor components (claim 1) nor a protocol (claim 4) nor and exchange of signals (claim 5) for determining eligibility. All that Edam states is that "...it is desirable to provide a secondary operational mode which supports limited communications... and has much lower power requirements than the normal full operational mode or modes." Thus, there is nothing said about eligibility to enter the lower power mode being based on certain factors, and certainly not any component or protocol or exchange of signals for such.

Prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). A possibility or probability that features of the prior art contained in the disclosure of the prior art is not enough to establish anticipation. The same characteristics must be a "natural result flowing" from what is disclosed. (Continental Can Co. v. Monsanto Co., 20 USPQ2d 1746, 1749 (Fed Cir. 1991). Thus, for this reason, all of the claims presently in the application are allowable. Clearly then, claims 1, 4, and 5, the only independent claims in the application, are allowable over Edam.

Claims 2,and 6-20 are all dependent upon claims 1, 4 , or 5 either directly or indirectly and for the same reasons are believed to be allowable. Moreover, as pointed out in the previous amendment, claims 6-8 all require selectively identifying and placing portions of a physical device in a low power mode. It is respectively submitted that Edam *does not* show *selectively* reducing portions of various devices to low power mode. Thus for these additional reasons claims6-8 are believed allowable.

With respect to newly added claims 9-20, this does not constitute new matter since support is found in the specification at page 8, lines 16-22. Moreover it does not raise any new issue since these claims are depended upon allowable claims. Further, these claims are allowable since they all relate to the storage of the eligibility to enter a lower power state, and Edam does not have any disclosure of eligibility, as pointed out above, and certainly not any way to store eligibility. Thus for these additional reasons, claims 9-20 are believed to be allowable.

In view of the above, it is believed that each of the claims now in the application is distinguishable, one from the other and over the prior art. Therefore, reconsideration, and allowance of the claims is respectfully requested.

Respectfully submitted,

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